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July 3, 2014

By Electronic (Raymond.Bahr@maryland.gov) & First Class Mail

Mr. Raymond Bahr
Maryland Department of the Environment
Sediment, Stormwater and Dam Safety Program
1800 Washington Boulevard
Baltimore, Maryland 21230

Re: Tentative Determination to Reissue Howard County's MS4 Permit

Dear Mr. Bahr:

On behalf of Frederick County ("County"), I am writing regarding the matter referenced above. Howard County is the first medium-sized MS4 to receive a Tentative Determination under the current round of permit reissuances. The County reviewed the draft permit with great interest to determine whether MDE recognized the distinction between a large and medium-sized MS4 in the requirements. We were disheartened to see that, with the exception of a few relatively minor changes, expectations for the smaller communities parallel expectations for the larger communities.

The County objects to treating all Phase I communities as if they have the same capacities to manage MS4 permit obligations. To suggest that the State's counties, with populations per the 2010 Census ranging from 146,551 (Charles County) to 287,085 (Howard County) are in the same position financially and operationally as Baltimore County (805,029) or Prince George's County (863,420) is illogical. It also belies the concept of an individual permit, which should be tailored for each community. MDE's own website explains the distinction between an individual and group permit: "An individual permit is custom crafted to the specific needs of the facility while a general permit is a generic document appropriate for a specific type of activity that has similar environmental impacts." A general permit is not appropriate for Phase I MS4s; yet, MDE has effectively created a general permit with its template approach.

Howard County's stormwater staff and program are excellent, and we are reluctant to comment because we genuinely admire their work as environmental stewards. Nonetheless, we feel strongly that MDE should be considering the concerns of each MS4 community before imposing such extensive and expensive regulatory mandates. We reiterate our earlier comments filed with regard to reissuance of the large Phase I MS4s with regard to significant issues that remain unchanged in Howard County's draft permit.

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Thank you for your consideration. Please feel free to call me if you have any questions regarding this correspondence.

Sincerely,



Lisa M. Ochsenhirt

Copy (By Electronic Mail) to:
Mr. Brian Clevenger, MDE
Frederick County Staff